

Issue Brief HB14-1005

House Bill 14-1005, concerning clarification of the requirement applicable to a change of point of water diversion.

SUMMARY:

A statute enacted in 1881 allows the owner of a ditch to relocate the ditch's headgate if changes to the stream prevent the headgate from effectuating the diversion. The "Water Right Determination and Administration Act of 1969" requires changes of water rights, including changes of point of diversion, to be adjudicated. The 1969 act does not exempt changes authorized by the 1881 act. The bill clarifies that a water right owner may relocate a ditch headgate pursuant to the 1881 act without filing for a change of water right under the 1969 act if the relocation does not physically interfere with the complete use or enjoyment of other water rights.

CURRENT STATUS:

01/08/2014 Introduced in House – Assigned to Agriculture, Livestock, & Natural Resources

LONGMONT IMPACT:

With passage of HB14-1005, the City would avoid costly Water Court cases and the potential exposure to loss of water rights.

Staff recommends that City Council **Support** HB14-1005 as currently drafted.

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